

REMARKS

Claims 27 to 43 are pending in this application. Claims 27, 38, and 41 are withdrawn from consideration. Claims 42 and 43 are rejected and claims 39, 40, 42, and 43 are objected to. Applicants are herein amending the specification to add a cross-reference to related applications. Applicants are also amending claims 27, 35, 38, 39, and 42, canceling claims 36, 41, and 43, without prejudice or disclaimer, and adding new claim 44.

Amendments

Applicants are herein amending the specification to add a Cross Reference To Related Applications. Applicants respectfully submit that no new matter is introduced by the amendment. With respect to the timeliness of this amendment, applicants wish to note that the priority claim was added via Preliminary Amendment when the application was filed, but does not appear to have been properly scanned into the PAIR system.

Applicants are herein amending claims 27, 35, 38, 39, and 42, canceling claims 36, 41, and 43, without prejudice or disclaimer, and adding new claim 44. Applicants are herein amending claims 27, 35, 38, 39, and 42 and adding new claim 44 to more fully claim what applicants regard as their invention. Applicants are amending claim 39 to present it in independent format.

Applicants respectfully submit that no new matter is introduced by the amendments and that the amendments to the claims are fully supported by the specification and the claims, as originally filed.

With respect to the Restriction Requirement dated April 27, 2004, applicants submit that the election of May 27, 2004 applies to claims 27 to 35, 37 to 40, 42 and new claim 44 because said claims are readable on this elected species. Accordingly, applicants present claims 27 to 35, 37 to 40, 42 and 44 to the Examiner for consideration, even though claims 27 and 38 were deemed withdrawn. Favorable consideration of the present amendment is

respectfully requested, especially in light of the fact that no prior art has been cited against any of the claims, including genus claim 27.

Claim Objections

Claims 39, 40, 42, and 43 are objected to for the following reasons:

Claims 39, 40, 42 and 43 are objected to as improperly dependent. Applicants are herein amending claim 39 to present it as an independent and amending claim 40 and 42 to dependent from independent claim 39. Applicants are herein canceling claim 43. Therefore, applicants submit that the objections are moot and request withdrawal of the objections of claims 39, 40, 42, and 43 with respect to claim dependence.

Claim 42 is objected to as an improper composition. Applicants are herein amending claim 42 to present it as a “pharmaceutical composition,” as requested by the Examiner. Therefore, applicants submit that the objection is moot and request withdrawal of the objection of claims 42 with respect to pharmaceutical compositions. Applicants note that the Office Action summary page and conclusions both indicate that claim 42 is rejected, but no basis for the rejection has been provided.

Rejection under 35 U.S.C. § 112, First and Second Paragraphs

Claim 43 is rejected under 35 U.S.C. §112, first paragraph, for allegedly lacking enablement and under 35 USC §112, second paragraph, as allegedly indefinite. Without addressing or acquiescing to the merits of the rejection, applicants are herein canceling claim 43, without prejudice or disclaimer. Therefore, applicants submit that the rejection is moot and request withdrawal of the rejection of claim 43 under 35 U.S.C. §112, first and second paragraphs.

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Conclusions

In view of the foregoing, applicants believe that the claims, as amended, are in allowable form. In the event that the Examiner finds any remaining impediment to the prompt allowance of this application, which could be clarified by a telephonic interview, or which is susceptible to being overcome by means of an Examiner's Amendment, the Examiner is respectfully requested to initiate the same with the undersigned attorney at (215) 557-3861.

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